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**Effective:** August 1, 1997

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**Supersedes:** March 1, 1992

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96.00 Utility Accommodation  
96.60 Specific Requirements  
96.64 Private Utility Facilities

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By: Director, Bureau of Highway Operations

Page 1 of 1

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## A. General

Private utility-type facilities may be allowed to cross state highways, and are not subject to approval by the Federal Highway Administration (FHWA). Longitudinal installations of private facilities shall not be allowed on state highways under Title 23, CFR 1.23. However, exceptions may be allowed by FHWA if it determines that the proposed occupancy or use of right-of-way is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic. The Department shall make a similar public interest finding recommendation before submitting the permit application to FHWA for approval.

All private utility facilities shall follow the requirements of the Policy, and shall be designed, constructed, operated, and maintained as described in the specific policies for communications, electric, fluid or gas lines, whichever more closely resembles the facility.

## B. Occupation Fees

Private utility installations may be assessed a fee by the Department for right-of-way crossing or occupation. The fee for each installation shall be determined on a case-by-case basis and may be based upon, but not limited to:

1. The value of the facility.
2. Complexity of the installation.
3. Department review time.
4. Comparison with the value of private easements adjacent to the proposed location.
5. Comparison with fee schedules for other similar utility installations in Wisconsin and across the nation.

## C. Additional Requirements

Based upon the proposed private utility installation's potential for damage to the highway, adjacent right-of-way, or the environment, the Department may require the following to be submitted with a permit application:

1. Evidence of commercial general liability, workers compensation and employer's liability, and commercial motor vehicle liability insurance.
2. A certificate of insurance which names the Department as an additional insured.
3. Approval from the Department of Natural Resources that the project will have no significant impact upon the environment.